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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-478**

12 **DONNA MARIA PRASAD**
13 **aka DONNA MARIE LEGLER**
aka DONNA MARIE PRASAD
14 **aka DONNA MARIA PETERSON**
205 West Avenue, #G
15 Copperas Cove, Texas 76522

ACCUSATION

16 **Registered Nurse No. RN 581231**

17 Respondent.

18
19 Louise R. Bailey, M.Ed., RN (Complainant) alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Interim
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 2. On or about May 23, 2001, the Board issued Registered Nurse Number RN 581231
25 ("license") to Donna Maria Prasad, also known as Donna Marie Legler, Donna Marie Prasad, and
26 Donna Maria Peterson ("Respondent"). The license was in full force and effect at all times
27 relevant to the charges brought herein and will expire on December 31, 2010, unless renewed.

28 ///

JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for the following:

(a) Unprofessional conduct.

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

6. Code section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022."

1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUGS**

7 8. "Phenmetrazine" is a Schedule II controlled substance as designated by Health and
8 Safety Code 11055(d)(5).

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Out-of-State Discipline)**

11 9. Respondent is subject to discipline under Code section 2761(a)(4) in that Respondent
12 was disciplined by the Texas Board of Nurse Examiners (hereinafter "Texas Board") as follows:

13 a. On or about February 20, 2003, pursuant to the Agreed Order in the disciplinary
14 proceeding titled *In the Matter of License Number 652050 issued to Donna Maria Legler*, the
15 Texas Board ordered, in lieu of license revocation, that Respondent successfully complete the
16 Texas Peer Assistance Program for Nurses (hereinafter referred to as "TPAPN"). The Order was
17 based on numerous Findings of Fact, including that Respondent passed fraudulent prescriptions
18 for Hydrocodone, withdrew controlled substances (Oxycodone and Lortab) without a physicians
19 order and failed to account for their disposition, signed out Lortab using another nurses name and
20 took it for her own personal use, and tested positive for Cocaine, as more particularly set forth in
21 the Agreed Order. A true and correct copy of the Agreed Order is attached hereto as Exhibit A
22 and incorporated herein by reference.

23 b. On or about April 21, 2005, pursuant to the Order of the Board in the disciplinary
24 matter titled *In the Matter of the Permanent Certificate Number 652050 and Vocational License*
25 *Number 158259 issued to Donna Maria Legler*, the Texas Board revoked Respondent's Texas
26 professional nursing certificate as well as her vocational nursing license due to Respondent's
27 failure to comply with the terms of the Agreed Order as set forth above. In addition, while on
28 assignment as an agency nurse, Respondent misappropriated controlled substances and failed to

1 accurately document the administration of controlled substances on numerous occasions. A true
2 and correct copy of the Order of the Board is attached hereto as Exhibit B and incorporated herein
3 by reference.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Possessed and Self-Administered a Controlled Substance)**

6 10. Respondent is subject to discipline under Code section 2761(a), on the grounds of
7 unprofessional conduct as defined in Code section 2762(a), in that on or about May 11, 2007,
8 while a registered nurse, Respondent did the following:

9 a. Respondent possessed Phenmetrazine, a controlled substance, in violation of Code
10 section 4060, in that she did not have a prescription for those controlled substances.

11 b. Respondent self-administered Phenmetrazine, a controlled substance, without direction
12 to do so from a licensed physician and surgeon, dentist or podiatrist.

13 **PRAYER**

14 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 581231, issued to Donna
17 Maria Prasad, also known as Donna Marie Prasad, Donna Maria Peterson, and Donna Maria
18 Legler;

19 2. Ordering Donna Maria Prasad, also known as Donna Marie Prasad, Donna Maria
20 Peterson, and Donna Maria Legler to pay the Board of Registered Nursing the reasonable costs of
21 the investigation and enforcement of this case, pursuant to Code section 125.3; and,

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 3/29/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 652050
issued to DONNA MARIA LEGLER

§ AGREED
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DONNA MARIA LEGLER, License Number 652050, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on November 26, 2002, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Central Texas College, Killeen, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 1998.

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5. Respondent's professional employment history includes:

8/98 - 2/99	Staff Nurse	Plano HealthSouth Rehab Hospital Plano, Texas
2/99 - 6/00	Staff Nurse Progressive Care Unit	North Central Medical Center McKinney, Texas
7/00 - 12/01	Agency Nurse	Staff Search Healthcare Dallas, Texas
7/00 - 7/02	Agency Nurse	Cn Staffing Dallas, Texas
7/00 - 7/02	Agency Nurse	Careforce Staffing Agency Dallas, Texas
7/00 - 7/02	Agency Nurse	Americare Staffing Agency Dallas, Texas
4/01 - 10/02	Staff Nurse Traumatic Brain Injury Unit	Baylor Institute for Rehabilitation Dallas, Texas
7/02 - 11/02	Staff Nurse Radiology Unit	Parkland Hospital Dallas, Texas
11/02 - Present	Unknown	

6. At the time of the incident in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as an Agency Nurse with Staff Search Healthcare, Dallas, Texas, and had been in this position for one (1) year and four (4) months.

7. On or about November 12, 2001, through December 21, 2001, while employed with Staff Search Healthcare, Dallas, Texas, and on assignment at Dr. Poliner's office, Respondent passed unauthorized prescriptions at Walgreens Pharmacies for Hydrocodone using the name and Drug Enforcement Agency number assigned to Dr. Poliner, as follows:

Walgreen Store Number	Date	Patient Name	Dr. Name	Medication	Amount
04663	11/13/01	Donna Legler	Dr. Poliner	Hydrocodone/APAP 7.5mg/500	10
"	11/15/01	"	"	"	30

Walgreen Store Number	Date	Patient Name	Dr. Name	Medication	Amount
04663	11/19/01	Donna Legler	Dr. Poliner	Hydrocodone/APAP 10mg/325M	30
05826	11/26/01	"	"	Hydrocodone/APAP 7.5mg/500	30
"	12/02/01	"	"	"	30
"	12/5/01	"	"	"	90
"	12/17/01	"	"	"	30
"	12/20/01	"	"	"	30
"	12/21/01	"	"	"	90

Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of an unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

8. On or about December 29, 2001, while employed with Staff Search Healthcare, Dallas, Texas, and on assignment at Dr. Poliner's office, Respondent attempted to pass an unauthorized prescription at Walgreens Pharmacy for Hydrocodone using the name and Drug Enforcement Agency number assigned to Dr. Poliner. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of an unauthorized prescription is prohibited by Chapter 481 of the Health and Safety Code (Controlled Substance Act).
9. At the time of the incidents in Findings of Fact Numbers Ten (10) through Thirteen (13), Respondent was employed as an agency nurse with Americare Staffing, Dallas, Texas, and had been in this position for one (1) year and eight (8) months.
10. On or about March 12, 2002, while employed with Americare Staffing, Dallas, Texas, and on assignment with Medical Center of Plano, Plano, Texas, Respondent withdrew Oxycodone for Patient Medical E000468965 but failed to document the administration of Oxycodone in the medical records, as follows:

Date/Time	Medical Record #	Narcotic Record	Physicians Orders	MAR	Nurses Notes	Waste
3/12/02 @ 8:57 AM	E000468965	(1) 40mg Tab Oxycodone HCL	Oxycodone HCL 40mg Q12h	not documented	Scheduled medication, therefore nurses notes not required	No

Date/Time	Medical Record #	Narcotic Record	Physicians Orders	MAR	Nurses Notes	Waste
3/12/02 @ 9:04AM	E000468965	(2) 40mg Tab Oxycodone HCL	Oxycodone HCL 40mg Q12h	not documented	Scheduled medication, therefore nurses notes not required	No
3/12/02 @ 12:01PM	"	(1) 40mg Tab Oxycodone HCL	"	"	"	"
3/12/02 @ 12:02PM	"	(1) 5mg Capsule Oxycodone HCL	"	"	"	"

Respondent's conduct above was likely to injure patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

11. On or about March 12, 2002, while employed with Americare Staffing, Dallas, Texas, and on assignment with Medical Center of Plano, Plano, Texas, Respondent withdrew Oxycodone for Patient Medical Record Number E000468965 in excess of the physician's order, as follows:

Date/Time	Medical Record #	Narcotic Record	Physicians Orders	MAR	Nurses Notes	Waste	Comments
3/12/02 @ 8:57 AM	E000468965	(1) 40mg Tab Oxycodone HCL	Oxycodone HCL 40mg Q12h	not documented	Scheduled medication, therefore nurses notes not required	No	Two other nurses documented giving medication at 0900 and 2100
3/12/02 @ 9:04 AM	"	(2) 40mg Tab Oxycodone HCL	"	"	"	"	"
3/12/02 @ 12:01PM	"	"	"	"	"	"	"
3/12/02 @ 12:02PM	"	(1) 5mg Capsule Oxycodone HCL	"	"	"	"	"

Respondent's conduct was likely to injure the patient in that the administration of Oxycodone in excess frequency/dosage of the physician's order could result in the patient suffering from respiratory depression.

12. On or about July 10, 2002, while employed with Americare Staffing, Dallas, Texas, and on assignment at Doctors Hospital of Dallas, Dallas, Texas, Respondent engaged in the intemperate use of Cocaine as evidenced by a positive drug screen. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
13. On or about July 10, 2002, while employed with Americare Staffing, Dallas, Texas, and on assignment at Doctors Hospital of Dallas, Dallas, Texas, Respondent signed out Lortab for a patient using another nurse's name to misappropriate the medication for her own personal use. Respondent's conduct was likely to defraud the facility and patients thereof for the cost of medications.
14. On or about April 1, 2002, McKinney Police Department was dispatched on a call involving an adult woman, the Respondent, who had possibly taken an overdose of unknown pills in an attempt to commit suicide. When the police contacted the Respondent in her bedroom she stated to the officer she had taken fifty-one (51) clonazepam pills and an unknown amount of Xanax and Zoloft pills. The arresting officer believed the Respondent to be a danger to herself, therefore she was taken to North Central Medical Center, McKinney, Texas, for evaluation. On April 2, 2002, Respondent was transferred to the Psychiatric Unit of Westpark Hospital, McKinney, Texas.
15. On or about April 4, 2002, Respondent was arrested for Injury to a Child, a level three Felony, by McKinney Police Department, McKinney, Texas. The Collin County District Attorney's office is in the process of setting this case for Grand Jury proceedings to seek an indictment against Respondent.
16. Respondent was arrested and charged with Theft, a Class B Misdemeanor, in Collin County, McKinney, Texas. Jury trial in this matter has been set for February 17, 2003, in the County Court at Law No. 3, Collin County, Texas.
17. At the time of the incidents in Findings of Fact Numbers Seventeen (17) through Twenty (20) Respondent was employed as a Staff Nurse in the Radiology Unit with Parkland Hospital, Houston, Texas, and had been in this position for four (4) months.
18. On or about November 2002, while employed with Parkland Hospital, Houston, Texas, Respondent withdrew Lortab without a physician's order. Respondent's conduct was likely to injure patients in that administration of Lortab without a physician's order could result in patients suffering from respiratory depression.

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19. On or about November 2002, while employed with Parkland Hospital, Houston, Texas, Respondent withdrew Lortab in excess frequency/dosage of the physician's order. Respondent's conduct was likely to injure the patient in that the administration of Lortab in excess frequency/dosage of the physician's order could result in the patient suffering from respiratory depression.
20. On or about November 2002, while employed with Parkland Hospital, Houston, Texas, Respondent failed to document the administration of Lortab in patient medical records. Respondent's conduct above was likely to injure patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
21. On or about November 2002, while employed with Parkland Hospital, Houston, Texas, Respondent misappropriated Lortab from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof for the cost of medications.
22. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
23. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
24. Respondent's conduct described in Finding Number Seven (7) through Twenty (20) was significantly influenced by Respondent's impairment by dependency on chemicals.
25. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(3),(4),(19),(20)&(21).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 652050, heretofore issued to DONNA MARIA LEGLER, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT receive a judicial order, with or without an adjudication of guilt for the offenses as outlined in the above Findings of Fact, such order will result in further disciplinary action including revocation of Respondent's license to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Five (5) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

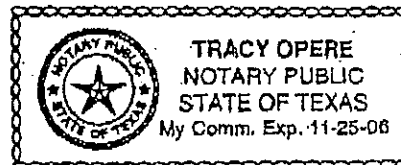
Signed this 18 day of February, 2003.

D. M. Legler, RN
DONNA MARIA LEGLER, Respondent

Sworn to and subscribed before me this 18th day of FEBRUARY, 2003.

SEAL

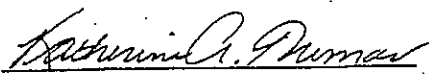
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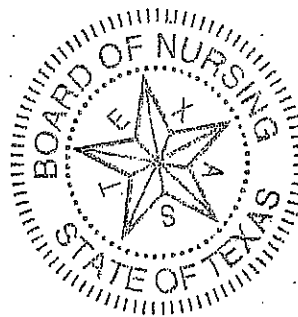


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WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 18th day of February, 2003, by DONNA MARIA LEGLER, License Number 652050, and said Order is final.

Entered and effective this 20th day of February, 2003.

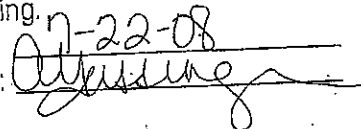

Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board



I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date:

Signed:

7-22-08


DOCKET NUMBER 507-04-7102

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 652050 and VOCATIONAL LICENSE	§	OF
NUMBER 158259 Issued to	§	
DONNAMARIA LEGLER	§	ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: Donna Maria Legler
406 Cimmaron Trail
Irving, Texas 75063

During open meeting held in Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 652050, previously issued to DONNA MARIA LEGLER to practice professional nursing in the State of Texas, and Vocational License Number 158259, previously issued to DONNA MARIA LEGLER to practice vocational nursing in the State of Texas, be, and the same are hereby, REVOKED.

REVOKED
JAN 10 1985


IT IS FURTHER ORDERED that Permanent Certificate Number 652050, previously issued to DONNAMARIA LEGLER, and Vocational License Number 158259, previously issued to DONNA MARIA LEGLER to practice vocational nursing in the State of Texas, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional and vocational nursing in the State of Texas.

Entered this 21st day of April, 2005.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:


KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD